

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHEILA WOLK,

Plaintiff,

- against -

09 Civ. 3590 (CM)

TFG TREE-FREE, INC.
d/b/a Tree-Free Greetings, and
STEVEN SILVERSTEIN, individually,

Defendants.

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DECISION AND ORDER

This action relates to copyright infringement of certain images owned by the plaintiff, Sheila Wolk. There are currently four motions pending: a motion to dismiss the allegations in count four of the complaint (docket no. 7); a motion for summary judgment filed by the plaintiff (docket no. 16); a motion to amend plaintiff's motion for summary judgment, to which a motion to amend the complaint is affixed (docket no. 30); and a demand for judgment (docket no. 36).

Plaintiff's motion to amend her complaint (docket no. 30) to include claims arising from defendants' use of additional images is granted. Plaintiff is advised that the complaint as currently filed does not include reference to "Elan Vital in Wily Wood," and if plaintiff intends to pursue claims relating to this image, she must include reference to the image in her amended complaint.

Plaintiff must file her amended complaint within 7 days (of the date of this order). Given the amendments to the complaint, discovery is hereby reopened for 60 days

Copies mailed/faxed/handed to counsel on 2/1/10

(measured from the date of this order) with inquiry limited to the seven additional images plaintiff has proposed to add to her complaint.

Plaintiff must move for summary judgment no later than May 7, 2010. Defendants will file any response by May 28, 2010. Plaintiff will file her reply no later than June 5, 2010.

No further amendments to the complaint will be allowed.

Given the forthcoming amendments to plaintiff's complaint, plaintiff's motion for summary judgment (docket no. 16), her motion to amend the motion for summary judgment (docket no. 30), and her demand for judgment (docket no. 36) are all denied without prejudice as premature.

Finally, defendant's motion to dismiss allegations in the complaint relating to piercing the corporate veil (docket no. 7) is denied in view of plaintiff's pro se status, which requires this Court to "construe [the complaint] broadly, and interpret [it] to raise the strongest arguments that [it] suggests." Weixel v. Bd. of Educ., 287 F. 3d 138, 146 (2d Cir. 2002). However, if no evidence in support of those allegations is produced on plaintiff's motion for summary judgment, the defense should note as much in its response and the Court will dismiss those allegations at that time.

CONCLUSION

The motion to dismiss (docket no. 7) is denied. The motion for summary judgment (docket no. 16), the motion to amend the motion for summary judgment (docket no. 30), and the demand for judgment (docket no. 36) are all denied without prejudice. The motion to amend the complaint (docket no. 30) is granted. The Clerk of

the Court is instructed to remove the motions at docket nos. 7, 16, 30 and 36 from the Court's outstanding motion list.

This constitutes the decision and order of this Court.

Dated: February 1, 2010

A handwritten signature in black ink, appearing to read "Allen M. Dul", is written over a horizontal line.

U.S.D.J.

BY MAIL TO ALL PARTIES